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SENATE

REPORT
100-481

WEST VIRGINIA NATIONAL INTEREST RIVER CONSERVATION ACT OF 1988

AUGUST 11 (legislative day, AUGUST 10), 1988.—Ordered to be printed

Mr. JOHNSTON, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany H.R. 900]

The Committee on Energy and Natural Resources to which was referred the Act (H.R. 900) to protect and enhance the natural, scenic, cultural, and recreational values of certain segments of the New, Gauley, Meadow, and Bluestone Rivers in West Virginia for the benefit of present and future generations, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the Act, as amended, do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

This Act may be cited as the "West Virginia National Interest River Conservation Act of 1988".

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SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) The outstanding natural, scenic, cultural and recreational values of the segment of the New River in West Virginia within the boundaries of the New River Gorge National River have been preserved and enhanced by its inclusion in the National Park System.

(2) The establishment of the New River Gorge National River has provided the basis for increased recreation and tourism activities in southern West Virginia due to its nationally recognized status and has greatly contributed to the regional economy.

(3) Certain boundary modifications to the New River Gorge National River are necessary to further protect the scenic resources within the river's visual corridor and to provide for better management of the national park unit.

(4) Several tributaries of the New River in West Virginia also possess remarkable and outstanding features of national significance. The segment of the Gauley River below Summersville Dam has gained national recognition as a premier whitewater recreation resource. The lower section of the Bluestone River and the lower section of the Meadow River possess remarkable and outstanding natural, scenic, and recreational values due to their predominantly undeveloped condition.

(5) Portions of several of the New River tributaries, including segments of the Gauley River, the Meadow River, and the Bluestone River are suitable for inclusion in the National Park System or the National Wild and Scenic Rivers System.

(6) It is in the national interest to preserve the natural condition of certain segments of the New, Gauley, Meadow, and Bluestone Rivers in West Virginia and to enhance recreational opportunities available on the free-flowing segments.

(b) PURPOSE.—The purpose of this Act is to provide for the protection and enhancement of the natural, scenic, cultural, and recreational values on certain free-flowing segments of the New, Gauley, Meadow, and Bluestone Rivers in the State of West Virginia for the benefit and enjoyment of present and future generations.

TITLE I—NEW RIVER GORGE NATIONAL RIVER

SEC. 101. BOUNDARY MODIFICATION.

Section 1101 of the National Parks and Recreation Act of 1978 (16 U.S.C. 460m–15) is amended by striking out "NERI–20,002, dated July 1978" and substituting "NERI–80,023, dated January 1987".

SEC. 102. COOPERATIVE AGREEMENTS WITH STATE.

Title XI of the National Parks and Recreation Act of 1978 is amended by adding the following new section at the end thereof:

"SEC. 1113. COOPERATIVE AGREEMENTS WITH STATE.

"In administering the national river, the Secretary is authorized to enter into cooperative agreements with the State of West Virginia, or any political subdivision thereof, for the rendering, on a reimbursable or non-reimbursable basis, of rescue, fire fighting, and law enforcement services and cooperative assistance by nearby law enforcement and fire prevention agencies.".

SEC. 103. IMPROVEMENT OF ACCESS AT CUNARD.

Title XI of the National Parks and Recreation Act of 1978 is amended by adding the following new section at the end thereof:

"SEC. 1114. IMPROVEMENT OF ACCESS AT CUNARD.

"(a) DEVELOPMENT AND IMPROVEMENT.—The Secretary shall expeditiously acquire such lands, and undertake such developments and improvement, as may be necessary to provide for commercial and noncommercial access to the river near Cunard. No restriction shall be imposed on such access based on the time of day, except to the extent required to protect public health and safety.

"(b) INTERIM MEASURES.—Pending completion of the developments and improvements referred to in subsection (a), the Secretary shall permit the motorized towing of whitewater rafts in the section of the national river between Thurmond and Cunard when the volume of flow in the river is less than three thousand cubic feet per second.".

SEC. 104. FLOW MANAGEMENT.

Title XI of the National Parks and Recreation Act of 1978 is amended by adding the following new section at the end:

"SEC. 1115. FLOW MANAGEMENT.

"(a) FINDINGS.—The Congress finds that adjustments of flows from Bluestone Lake project during periods of low flow are necessary to respond to the congressional mandate contained in section 1110 of this Act and that such adjustments could enhance the quality of the recreational experience in the segments of the river below the lake during those periods as well as protect the biological resources of the river.

"(b) REPORT TO CONGRESS REQUIRED.—The Secretary of the Army, in conjunction with the Secretary of the Interior, shall conduct a study and prepare a report under this section. The report shall be submitted to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives not later than December 31, 1989. Before submission of the report to these Committees, a draft of the report shall be made available for public comment. The final report shall include the comments submitted by the Secretary of the Interior and the public, together with the response of the Secretary of the Army to those comments.

"(c) CONTENTS OF STUDY.—The study under this section shall examine the feasibility of adjusting the timing of daily releases from Bluestone Lake project during periods when flows from the lake are less than three thousand cubic feet per second. The purpose of such adjustment shall be to improve recreaton (including, but not limited to, fishing and whitewater recreation) in the New River Gorge National River. Any such adjustments in the timing of flows which are proposed in such report shall be consistent with other project purposes and shall not have significant adverse effects on fishing or on any other form of recreation in Bluestone Lake or in any segment of the river below Bluestone Lake. The study shall assess the effects of such flow adjustments on the quality of recreation on the river in the segments of the river between Hinton and Thurmond and between Thurmond and the downstream boundary of the New River Gorge National River, taking into account the levels of recreational visitation in each of such segments.

"(d) TEST PROCEDURES.—As part of the study under this section, the Secretary of the Army shall conduct test releases from Bluestone Lake project during twenty-four-hour periods during the summer of 1989 when flows are less than three thousand cubic feet per second from the project. All such adjustments shall conform to the criteria specified in subsection (c). The tests shall provide adjustments in the timing of daily flows from Bluestone lake project which permit flows higher than the twenty-four-hour average to reach downstream recreational segements of the river during morning and afternoon hours. The tests shall develop specific data on the effects of flow adjustments on the speed of the current and on water surface levels in those segments. No test shall be conducted when flows from the lake are less than one thousand seven hundred cubic feet per second and no test shall reduce flows below that level.".

TITLE II—GAULEY RIVER NATIONAL RECREATION AREA

SEC. 201. ESTABLISHMENT.

(a) IN GENERAL.—In order to protect and preserve the scenic, recreational geological, and fish and wildlife resources of the Gauley River, there is hereby established the Gauley River National Recreation Area (hereinafter in this Act referred to as the "recreation area").

(b) AREA INCLUDED.—The recreation area shall consist of the land, waters, and interests therein generally depicted on the boundary map entitled "Gauley River National Recreation Area", numbered NRA GA/20,000A and dated July 1987. The map

shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

(c) BOUNDARY MODIFICATIONS.—Within five years after the enactment of this Act, the Secretary of the Interior (hereinafter in this title referred to as the "Secretary") shall submit to the Committee on Interior and Insular Affairs of the United States House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate a report containing any boundary modifications which the Secretary recommends, together with the reasons therefor.

SEC. 202 ADMINISTRATION.

(a) IN GENERAL.—The recreation area shall be administered by the Secretary in accordance with this Act and with the provisions of law generally applicable to units of the National Park System, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (16 U.S.C. 1–4).

(b) HUNTING AND FISHING; FISH STOCKING.—The Secretary shall permit hunting, trapping and fishing on lands and waters within the recreation area in accordance with applicable Federal and State laws. The Secretary may, after consultation with the State of West Virginia Department of Natural Resources, designate zones where, and establish periods when, such activities will not be permitted for reasons of public safety, administration, fish and wildlife habitat or public use and enjoyment subject to such terms and conditions as he deems necessary in the furtherance of this Act. The Secretary shall permit the State of West Virginia to undertake or continue fish stocking activities carried out by the State in consultation with the Secretary on waters within the boundaries of the recreation area. Nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the State of West Virginia with respect to fish and wildlife.

(c) COOPERATIVE AGREEMENTS WITH STATE.—In administering the recreation area the Secretary is authorized to enter into cooperative agreements with the State of West Virginia, or any political subdivision thereof, for the rendering, on a reimbursable basis, of rescue, firefighting, and law enforcement services and cooperative assistance by nearby law enforcement and fire preventative agenices.

(d) APPLICATION OF OTHER PROVISIONS.—The provisions of section 7(a) of the Act of October 2, 1968 (16 U.S.C. 1278(a)), shall apply to the recreation area in the same manner and to the same extent as such provisions apply to river segments referred to in such provisions.

(e) RECREATIONAL ACCESS.—

(1) EXISTING PUBLIC ROADS.—The Secretary may enter into a cooperative agreement with the State of West Virginia under which the Secretary shall be authorized to maintain and improve existing public roads and public rights-of-way within the boundaries of the national recreation area to the extent necessary to facilitate and improve reasonable access to the recreation area at existing access points where such actions would not unreasonably diminish the scenic and natural values of the area.

(2) FACILITIES ADJACENT TO DAM.—In order to accommodate visitation to the recreation area, the Secretary shall construct such facilities as necessary to enhance and improve access, vehicle parking and related facilities, and provide river access for whitewater recreation and for other recreational activities, immediately downstream of the Summersville Dam, to the extent that such facilities are not provided pursuant to section 205 and such facilities are within the boundaries of the recreation area. Such construction shall be subject to the memorandum of understanding referred to in subsection (f).

(3) OTHER LOCATIONS.—In addition, in order to provide reasonable public access and vehicle parking for public use and enjoyment of the recreation area, consistent with the preservation and enhancement of the natural and scenic values of the recreation area, the Secretary may, with the consent of the owner thereof, acquire such lands and interests in lands to construct such parking and related facilities at other appropriate locations outside the boundaries of, but within one mile of the recreation area as may be necessary and appropriate. Any such lands shall be managed in accordance with the management provisions for the recreation area as defined in subsection (a).

(f) PROPERTIES AND FACILITIES OF FEDERAL AGENCIES.—After consultation with any other Federal agency managing lands and waters within or contiguous to the recreation area, the Secretary shall enter into a memorandum of understanding with such other Federal agency to identify those areas within the recreation area which are (1) under the administrative jurisdiction of such other agency; (2) directly related to the operation of the Summersville project; and (3) essential to the operation of

such project. The memorandum of understanding shall also include provisions regarding the management of all such lands and waters in a manner consistent with the operation of such project and the management of the recreation area.

SEC. 203. MISCELLANEOUS.

(a) LANDS AND WATERS. The Secretary may acquire lands or interests in lands within the boundaries of the recreation area by donation, purchase with donated or appropriated funds, or exchange. When any tract of land is only partly within such boundaries, the Secretary may acquire all or any portion of the land outside of such boundaries in order to minimize the payment of severance costs.

(b) JURISDICTION.—Lands, waters and interests therein within the recreation area which are administered by any other agency of the United States and which are not identified under section 202 as directly related to the Summersville project and essential to the operation of that project shall be transferred without reimbursement to the administrative jurisdiction of the Secretary.

(c) PROTECTION OF EXISTING PROJECT.—Nothing in this Act shall impair or affect the requirements of section 1102 of Public Law 99-662 or otherwise affect the authorities of any department or agency of the United States to carry out the project purposes of the Summersville project, including recreation. In releasing water from such project, in order to protect public health and safety and to provide for enjoyment of the resources within the recreation area, other departments and agencies of the United States shall cooperate with the Secretary to facilitate and enhance whitewater recreational use and other recreational uses of the recreation area.

SEC. 204. AUTHORIZATION OF APPROPRIATIONS.

There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this title.

SEC. 205. SPECIAL CONDITIONS.

(a) NEW PROJECT CONSTRUCTION.—If, after the enactment of this Act, any department, agency, instrumentality or person commences construction of any dam, water conduit, reservoir, powerhouse, transmission line or other project at or in conjunction with the Summersville project, the department, agency, instrumentality or other person which constructs or operates such new project shall comply with such terms and conditions as the Secretary deems necessary, in his discretion, to protect the resources of the recreation area, including such terms and conditions as the Secretary deems necessary to ensure that such new project will not adversely affect whitewater recreation and other recreation activities during or after project construction.

(b) ADVERSE EFFECTS ON THE RECREATION AREA.—If any such new project referred to in subsection (a) will create a direct, physical, adverse effect on access to the recreation area immediately downstream of the Summersville Dam during or after project construction, including vehicle parking, related facilities, and river access for whitewater recreation and other recreational use of the recreation area, the department, agency, instrumentality or person constructing such project shall replace and enhance the adversely affected facilities in such manner as may be appropriate to accommodate visitation, as determined by the Secretary.

(c) NEW PROJECT PERMITS.—The terms and conditions referred to in this section shall be included in any license, permit, or exemption issued for any such new project. Any such new project shall be subject to all provisions of this Act, including section 202(d), except that during the four-year period after the enactment of this Act, nothing in this Act shall prohibit the licensing of a project adjacent to Summersville Dam as proposed by the city of Summersville, or by any competing project applicant with a permit or license application on file as of August 8, 1988, if such project complies with this section. Any such project shall be limited to 80 megawatts. If such project is licensed within such four-year period, the Secretary shall modify the boundary of the recreation area along a line perpendicular to the river crossing the point five hundred and fifty feet downstream of the existing value house and one thousand two hundred feet (measured along the river bank) upstream of United States Geological Survey Gauge Numbered 03189600, except in making the modification the Secretary shall maintain within the boundary of the recreation area those lands identified in the boundary map referred to in section 201 which are not necessary to the operation of such project.

SEC. 206. ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—There is hereby established the Gauley River National Recreation Area Advisory Committee (hereinafter in this Act referred to as the "Advisory Committee"). The Advisory Committee shall be composed of fifteen members appointed by the Secretary to serve for terms of two years. Any member of the Ad-

visory Committee may serve after the expiration of his term until a successor is appointed. Any member of the Advisory Committee may be appointed to serve more than one term. The Secretary or his designee shall serve as Chairman.

(b) MANAGEMENT AND DEVELOPMENT ISSUES.—The Secretary, or his designee, shall meet on a regular basis and consult with the Advisory Committee on matters relating to development of a management plan for the recreation area and on implementation of such plan.

(c) EXPENSES.—Members of the Advisory Committee shall serve without compensation as such, but the Secretary may pay expenses reasonably incurred in carrying out their responsibilities under this Act on vouchers signed by the Chairman.

(d) MEMBERSHIP.—The Secretary shall appoint members to the Advisory Committee as follows:

(1) one member to represent other departments or agencies of the United States administering lands affected by the recreation area, to be appointed from among persons nominated by the head of such department of agency;

(2) two members to represent the State Department of Natural Resources, to be appointed from among persons nominated by the Governor of the State of West Virginia;

(3) one member to represent the State Department of Commerce to be appointed from among persons nominated by the Governor of West Virginia;

(4) three members to represent the commercial whitewater rafting industry in West Virginia;

(5) one member to represent noncommercial whitewater boating organizations;

(6) one member to represent conservation organizations in West Virginia;

(7) one member to represent individuals engaged in game fishing in West Virginia;

(8) one member to represent the Nicholas County Chamber of Commerce;

(9) one member to represent the Fayette County Chamber of Commerce;

(10) one member to represent recreational users of Summersville Lake; and

(11) two members to represent local citizens or citizens groups which are concerned with the Gauley River or own lands included within the boundaries of the recreation area.

(e) TERMINATION; CHARTER.—The Advisory Committee shall terminate on the date ten years after the enactment of this Act notwithstanding the Federal Advisory Committee Act (Act of October 6, 1972; 86 Stat. 776). The provisions of section 14(b) of such Act (relating to the charter of the Committee) are hereby waived with respect to this Advisory Committee.

TITLE III—MEADOW NATIONAL WILD AND SCENIC RIVER

SEC. 301. DESIGNATION OF LOWER MEADOW RIVER.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding the following new paragraph at the end:

"( ) MEADOW, WEST VIRGINIA.—The segment from approximately one mile above the Route 19 Bridge to its confluence with the Gauley River approximately 4.5 miles downstream from the bridge, as depicted on the boundary map entitled 'Meadow Wild and Scenic River', numbered WSR-MEA/20,000A and dated July 1988; to be administered by the Secretary of the Interior. The Secretary shall not be required to establish detailed boundaries of the river as provided under subsection (b) of this section. The acreage limitations specified in subsection (a) of section 6 shall not apply. Nothing in this Act shall affect the management by the State of hunting, trapping, and fishing within the segment designated under this paragraph.".

TITLE IV—BLUESTONE NATIONAL SCENIC RIVER

SEC. 401. DESIGNATION OF LOWER BLUESTONE RIVER.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding the following new paragraph at the end:

"( ) BLUESTONE, WEST VIRGINIA.—The segment in Mercer and Summers Counties, West Virginia from a point approximately two miles upstream of the Summers and Mercer County line down to the maximum summer pool elevation (one thousand four hundred and ten feet above mean sea level) of Bluestone Lake as depicted on the bounary map entitled 'Bluestone Wild and Scenic River', numbered WSR-BLU/20,000, and dated January 1987; to be administered by the Secretary of the Interior as a scenic river. In carrying out the requirements of subsection (b) of this section, the Secretary shall consult with state and local governments and the inter-

ested public. The Secretary shall not be required to establish detailed boundaries of the river as provided under subsection (b) of this section. Nothing in this Act shall preclude the improvement of any existing road or right-of-way within the boundaries of the segment designated under this paragraph. Jurisdiction over all lands and improvements on such lands owned by the United States within the boundaries of the segment designated under this paragraph are is hereby transferred without reimbursement to the administrative jurisdiction of the Secretary of the Interior, subject to leases in effect on the date of enactment of this paragraph (or renewed thereafter) between the United States and the State of West Virginia with respect to the Bluestone State Park and the Bluestone Public Hunting and Fishing Area. Nothing in this Act shall affect the management by the State of hunting, trapping and fishing within the segment designated under this paragraph. Nothing in this Act shall affect or impair the management by the State of West Virginia of other wildlife activities in the Bluestone Public Hunting and Fishing Area to the extent permitted in the lease agreement as in effect on the enactment of this paragraph. If requested to do so by the State of West Virginia, the Secretary may terminate such leases and assume administrative authority over the areas concerned. Nothing in the designation of the segment referred to in this paragraph shall affect or impair the management of the Bluestone project or the authority of any department, agency, or instrumentality of the United States to carry out the project purposes of that project as of the date of enactment of this paragraph. Nothing in this Act shall be construed to affect the continuation of studies relating to such project which were commenced before the enactment of this paragraph.".

TITLE V—GENERAL PROVISIONS

SEC. 501. COORDINATION AMONG RECREATIONAL RESOURCES.

Subject to existing authority, the Secretary of the Interior shall cooperate with, and assist, any regional authority comprised of representatives of West Virginia State authorities and local government authorities in or any combination of the foregoing Nicholas, Fayette, Raleigh, Summers, Greenbrier, and Mercer Counties, West Virginia, for the purposes of providing for coordinated development and promotion of recreation resources of regional or national significance which are located in southern West Virginia and management by State or Federal agencies, including state, local and National Park System units, State and national Forest System units, and historic sites.

SEC. 502. SPECIAL PROVISIONS.

Subject to his responsibilities to protect the natural resources of the National Park System, the Secretary of the Interior shall enter into a cooperative agreement with the State of West Virginia providing for the State's regulation, in accordance with State law, of persons providing commercial recreational watercraft services on units of the National Park System and components of the National Wild and Scenic Rivers System subject to this Act.

SEC. 503. PUBLIC AWARENESS PROGRAM.

The Secretary of the Interior shall establish a public awareness program to be carried out in Mercer, Nicholas, and Greenbrier Counties, West Virginia, in cooperation with State and local agencies, landowners, and other concerned organizations. The program shall be designed to further public understanding of the effects of designation as components of the National Wild and Scenic Rivers System of segments of the Bluestone and Meadow Rivers which were found eligible in the studies completed by the National Park Service in August 1983 but which were not designated by this Act as untis of such system. By December 31, 1992, tne Secretary shall submit a report to the Committee on Interior and Insular affairs of the United States House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate describing the program undertaken pursuant to this section. Section 7(b) of the Wild and Scenic Rivers Act shall continue to apply to the segments subject to this section until December 31, 1992.

SEC. 504. CONSOLIDATED MANAGEMENT.

In order to achieve the maximum economy and efficiency of operations in the administration of the National Park System units established or expanded pursuant to this Act, the Secretary shall consolidate offices and personnel administering all such units to the extent practicable and shall utilize the existing facilities of the New River Gorge National River to the extent practicable.

SEC. 505. NEW SPENDING AUTHORITY SUBJECT TO APPROPRIATIONS.

Any new spending authority which is provided under this Act shall be effective for any fiscal year only to the extent or in such amounts as provided in appropriation Acts.

TITLE VI—TECHNICAL CHANGE TO WILD AND SCENIC RIVERS ACT

SEC. 601. ACREAGE LIMITATIONS.

Notwithstanding the provisions of section 501(b)(1)(B) of Public Law 99-590, section 3(b) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(b)) is amended to read as follows:

"(b) The agency charged with the administration of each component of the national wild and scenic rivers system designated by subsection (a) of this section shall, within one year from the date of designation of such component under subsection (a) (except where a different date if provided in subsection (a)), establish detailed boundaries therefor (which boundaries shall include and average of not more than 320 acres of land per mile measured from the ordinary high water mark on both sides of the river); and determine which of the classes outlined in section 2, subsection (b), of this Act best fit the river or its various segments. Notice of the availability of the boundaries and classification, and of subsequent boundary amendments shall be published in the Federal Register and shall not become effective until ninety days after they have been forwarded to the President of the Senate and the Speaker of the House of Representatives.".

PURPOSE

The primary purposes of H.R. 900 are to make boundary changes to the New River Gorge National River, establish the Gauley River National Recreation Area and to designate portions of the Meadow and Bluestone Rivers as components of the Wild and Scenic Rivers System.

BACKGROUND AND NEED

With the enactment of the National Parks and Conservation Act of 1978, the New River in West Virginia, was designated a national river. This legislation also called for a study of the tributaries of the New. These studies, performed by the Park Service, determined that the Bluestone, Gauley, and Meadow were outstanding rivers in terms of their scenic, natural, recreational and cultural values.

Accordingly, H.R. 900 would establish a 24.5 mile stretch of the Gauley River and its environs, from the base of Summersville Dam to the town of Swiss, as the Gauley River National Recreation Area (NRA). Long recognized as one of the top wild river runs in the country, the Gauley also boasts beautifully forested landscapes, high bluffs and huge boulders.

H.R. 900 would also designate the lower 5.5 mile portion of the Meadow and the lower 10 mile section of the Bluestone to be West Virginia's first additions to the Wild and Scenic Rivers System. The lower portion of the Meadow is known for its boulder-filled rapids, narrow chutes, precipitous ledges, and treacherous whitewater. The Bluestone is one of the most pristine rivers in the country. The river is well known for its beauty and magnificent gorge. In addition, significant opportunities exist for fishing, camping, rafting, canoeing and a wide range of outdoor experiences.

The measure would also revise the boundary of the New River Gorge National River, by making a net addition of 639 acres in response to the boundary study prepared in conjunction with the

General Management Plan and Land Protection Plan for the New River.

Legislative History

H.R. 900 passed the House on May 27, 1987. A similar measure, S. 1720 was introduced by Senator Rockefeller on September 25, 1987. A hearing was conducted on both measures by the Subcommittee on Public Lands, National Parks and Forests on April 19, 1988.

At the business meeting on Wednesday, August 3, 1988, the Senate Committee on Energy and Natural Resources ordered H.R. 900, as amended, favorably reported.

Committee Recommendations and Tabulation of Votes

The Senate Committee on Energy and Natural Resources, in open business session on August 3, 1988, by a unanimous vote of a quorum present, recommends that the Senate pass H.R. 900 if amended, as described herein.

The rollcall vote on reporting the measure was 19 yeas, 0 nays, as follows:

YEAS	NAYS
Mr. Johnston*	
Mr. Bumpers*	
Mr. Ford	
Mr. Metzenbaum*	
Mr. Melcher	
Mr. Bradley*	
Mr. Bingaman	
Mr. Wirth	
Mr. Fowler*	
Mr. Conrad	
Mr. McClure	
Mr. Hatfield	
Mr. Weicker*	
Mr. Domenici*	
Mr. Wallop*	
Mr. Murkowski	
Mr. Nickles	
Mr. Hecht	
Mr. Evans*	

*Indicates voted by proxy.

Committee Amendments

During the consideration of H.R. 900, the Committee adopted an amendment in the nature of substitute. The substitute makes a number of technical, clarifying and conforming amendments, and two substantive changes to the bill as passed by the House. Additional information on the substitute is included in the "Section-By-Section Analysis" of this report. Discussion of the two substantive amendments follows:

Deletion of the Greenbriar River

The substitute deletes language which would have designated the Greenbrier River as a component of the Wild and Scenic Rivers System. While there is significant public interest in protecting the river, concern was expressed over whether adequate flood control measures could be taken if the river was designated. Additional concerns were expressed regarding the amount of private land within the river corridor.

Addition of Trapping

The substitute also amends H.R. 900 to allow trapping in the newly created Gauley National Recreation Area and wild and scenic rivers. The Committee determined that it would be appropriate to allow trapping, Since the designation of the New River Gorge National River in 1978 did not permit trapping, the Committee determined that it would be inappropriate to change this management decision on the New River.

Section-by-Section Analysis

Section 1 provides that this Act may be cited as the "West Virginia National Interest River Conservation Act of 1988", and sets forth a table of contents.

Section 2 provides the findings of the Congress and defines the purposes of the Act.

Section 101 amends the National Parks and Recreation Act of 1978 to modify the boundaries of the New River Gorge National River, making several deletions and additions. The net boundary adjustment would result in an addition of 639 acres.

Section 102 amends the National Parks and Recreation Act of 1978 to add a new section authorizing the Secretary to enter into cooperative agreements with the State of West Virginia and its political subdivisions for the rendering of rescue, fire fighting and law enforcement services in the New River Gorge National River.

Section 103(a) amends the National Parks and Recreation Act of 1978 to add a new section that directs the Secretary to acquire and develop the Cunard site along the New River as a river access point for commercial and noncommercial use. The Secretary is authorized to take such actions as are necessary to minimize conflicts in river use. This section also authorizes the use of motorized towing of white water rafts on an interim basis pending completion of the Cunard access site in that section of the river between Thurmond and Cunard when the river volume is below 3,000 cubic feet per second. In adding this section to the National Parks and Recreation Act of 1978, the Committee understands that the Secretary shall assure that adequate public access will be maintained at such site.

Section 104 amends the National Parks and Recreation Act of 1978 to add a new section directing the Corps of Engineers, in conjunction with the National Park Service, to conduct a study and test of flow management on the national river below the Bluestone Lake project as a means to enhance recreational and fishery uses.

Section 201 establishes the Gauley River National Recreation Area on the 24.5 mile segment from the base of the Summersville

Dam to the vicinity of Swiss, West Virginia. It requires the National Park Service to submit to the Congress within 5 years of enactment a report which recommends any boundary modifications to the National Recreation Area which may be needed. The Committee understands that under existing law, the Secretary already has the authority to make minor boundary modifications to the National Recreation Area as he deems appropriate.

Section 202(a) provides for administration of the National Recreation Area pursuant to this Act and the general authorities of the National Park Service.

Section 202(b) permits hunting, trapping and fishing on lands and waters within the National Recreation Area in accordance with State and Federal law and regulation and provides for the continuation of the State fish stocking program, subject to consultation with the Secretary.

Section 202(c) authorizes the Secretary to enter into cooperative agreements with the State of West Virginia and its political subdivisions for the rendering of rescue, fire fighting and law enforcement services in the Gauley River National Recreation Area.

Section 202(d) provides that the provisions of section 7(a) of the Wild and Scenic Rivers Act shall apply to the area.

Section 202(e) authorizes the Secretary, where necessary, to enter into a cooperative agreement with the State of West Virginia to improve existing roads within the boundaries of the NRA in order to facilitate reasonable access to the Area. Such improvements may not unreasonably diminish the scenic and natural values of the Park unit. Additionally, this section directs the Secretary to improve river access, vehicle parking and related facilities for recreational activities immediately below Summersville Dam and within the boundaries of the Area to the extent this is not required under section 205 of this Act. Finally, this section also authorizes the acquisition of land, with the owner's consent, direct outside the boundaries of the Area for the purpose of improving reasonable access to the river.

Section 202(f) directs the Secretary to enter into a memorandum of understanding with the Secretary of the Army regarding the management of those areas below the Summersville Dam within the National Recreation Area which are currently administered by the Army Corps of Engineers and to identify those lands and waters within the National Recreation Area which are directly related to and essential to, the operation of the Summersville Dam.

Section 203(a) authorizes the Secretary to acquire lands or interests in land within the boundaries of the National Recreation Area.

Section 203(b) directs that the administrative jurisdiction of these Federal lands, interests and waters within the National Recreation Area which are not directly related to, or essential to, the operation of the Summersville Dam, be transferred to the Secretary of the Interior.

Section 203(c) states that the designation of the National Recreation Area will not impair or affect the existing project purposes of the Summersville Dam. It directs the Secretary and the Corps of Engineers to cooperate on water releases to facilitate and enhance white water and other recreational uses of the National Recreation Area.

Section 204 authorizes such sums as may be necessary to carry out the purposes of this Act.

Section 205 requires that any new project, constructed at or in conjunction with the Summersville Dam, comply with terms and conditions imposed by the Secretary to ensure such a project will not adversely affect white water or other recreational activities within the national Recreation Area. If such project would adversely affect river access to the National Recreation Area including vehicle parking and related facilities, the project sponsor is required to replace those adversely affected facilities. This section also provides that during the 4 year period following enactment, nothing in this Act will prohibit the licensing of any project for which a permit or license application was filed as of August 8, 1988, if such project complies with this section, and directs that if such project is licensed within the 4 year period following enactment, the Secretary will modify the boundary as provided in the bill. The Committee understands that this authority is in addition to existing authority the Secretary has to make minor boundary modifications to units of the National Park System.

Section 206 establishes the Gauley River National Recreation Area Advisory Commission to advise the Secretary on matters relating to the development and implementation of a management plan for the Area.

Section 301 amends the Wild and Scenic Rivers Act to designate the 5.5 mile segment of the lower Meadow River, one mile above the Route 19 bridge to its confluence with the Gauley River, as a component of the Wild and Scenic Rivers System. It includes language that specifies that hunting, trapping and fishing are permitted within the river corridor. Because the map referenced in the Act includes a specific boundary of the river corridor, language is included to exempt the Secretary from the requirement in the Wild and Scenic Rivers Act to establish detailed boundaries, and waives the acreage limitations in establishing those boundaries. Language is also included that would waive the acreage limitation for acquisition of lands in the river corridor. The Secretary will then be authorized to acquire lands to the edge of the cliff line as indicated by the boundary map.

Section 401 amends the Wild and Scenic Rivers Act to designate approximately 10 miles of the lower Bluestone River as a national scenic river from a point approximately 2 miles upstream of the Summers and Mercer County line down to the maximum summer pool level of Bluestone Lake. It directs that administrative jurisdiction over Federal lands within the segment be transferred to the Secretary. It also provides that the existing lease arrangement with the State of West Virginia for the Bluestone Hunting and Fishing Area will continue in force unless the State requests lease termination. Additionally, the bill provides that designation will not affect or impair the existing project purposes of the Bluestone Dam. Language is also included in this section to assure that nothing in the Act will affect hunting, trapping and fishing within the segment.

Because the map referenced in the Act includes a specific boundary of the river corridor, this section exempts the Secretary from the requirement in the Wild and Scenic Rivers Act that he estab-

lish detailed boundaries for the river, and waives the acreage limitations in establishing those boundaries.

Section 501 directs the Secretary to cooperate with any regional authority comprised of representatives of Nicholas, Fayette, Raleigh, Summers, Greenbrier and Mercer Counties to coordinate the development and promotion of Federal and State park and forest units within the region.

Section 502 directs the Secretary, subject to his responsibilities to protect the natural resources of the National Park System, to enter into a cooperative agreement with the State of West Virginia providing for the State's regulation of persons providing commercial recreational watercraft services on river units designated in this Act. This provision provides for regulating these services in a manner somewhat different than they are regulated in other National Park System units.

On the rivers which form part of a National Park System unit, such as the Colorado in Grand Canyon National Park, the Current and Jacks Fork in Ozark National Scenic Riverways, the Buffalo National River, and the St. Croix National Scenic Riverway, the National Park Service regulates commercial recreational services through the Concession Policies Act of October 9, 1965, which provides in part as follows:

> . . . the Secretary of the Interior shall take such action as may be appropriate to encourage and enable private persons and corporations . . . to provide and operate facilities and services which he deems desirable for the accommodation of visitors in areas administered by the National Park Service.

In section 1 of the 1965 Act, Congress sets forth affirmative findings as to the purpose of commercial services in areas administered by the National Park Service:

> . . . Congress hereby finds that the preservation of park values requires that such public accommodations, facilities, and services as have to be provided within those areas should be provided only under carefully controlled safeguards against unregulated and indiscriminate use, so that the heavy visitation will not unduly impair these values . . .

Acting in pursuance of the direction and authorities of the Concession Policies Act, the National Park Service would normally regulate commercial services on those portions of the New, Gauley, Meadow, and Bluestone Rivers within areas administered by the Service. However, section 502 of this Act directs the Secretary to enter into a cooperative agreement with the State of West Virginia to provide for the State's regulation of commercial recreational watercraft.

The Committee intends that those elements of commercial watercraft services provided within these areas should generally follow National Park Service standards and guidelines. The Committee expects that National Park Service standards for commercial services are or will be adequately reflected in West Virginia regulations and as such justifies the unusual arrangement contemplated

under section 502. At a minimum, the State commercial watercraft services regulations should take into account all applicable National Park Service management standards and guidelines as to—

—the types of services to be provided—only the services that the National Park Service deems appropriate should be provided;

—the number of persons authorized to provide the service, in order to avoid crowding and attendant sanitation, safety, and noise problems;

—the times and locations in which the commercial operator is allowed to provide the service, in order to assure proper spacing on the river and provide a quality experience as well as allow for noncommercial use such as fishing and swimming;

—safe methods of operation, safety equipment on board, and appropriate disposal of waste and refuse; and

—whether the cost to the visitor is reasonable.

Section 503 provides that the Secretary shall conduct a public awareness program on the potential effects of wild and scenic river designation on those segments of the Meadow and Bluestone Rivers found eligible for inclusion into the system in Park Service studies completed in August 1983, but not designated by this Act. Section 7(b) of the Wild and Scenic Rivers Act shall continue to apply to those segments until December 31, 1992.

Section 504 directs the Secretary in administering the Gauley River National Recreation Area and the Meadow and Bluestone Wild and Scenic Rivers, as separate units of the National Park System, to consolidate offices and personnel and to utilize existing facilities of the New River Gorge National River, to the extent practical.

Section 505 directs that any new spending authority established by this Act be effective for any one fiscal year only to the extent that such funding is provided by appropriation.

Section 601 makes a technical amendment to section 3(b) of the Wild and Scenic Rivers Act. A portion of section 3(b) was inadvertently deleted when Congress enacted several technical and conforming amendments to the Act in the 99th Congress.

Cost and Budgetary Considerations

The following estimate of costs of this measure has been provided by the Congressional Budget Office:

U.S. Congress,
Congressional Budget Office,
Washington, DC, August 10, 1988.

Hon. J. Bennett Johnston, Jr.,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

Dear Mr. Chairman: The Congressional Budget Office has reviewed H.R. 900, the West Virginia National Interest River Conservation Act of 1987, as ordered reported by the Senate Committee on Energy and Natural Resources, August 3, 1988. Enactment of H.R. 900 is expected to result in federal outlays of about $0.6 million over fiscal years 1989–1990, assuming appropriation of the necessary amounts. This money would be used for the development of

the planning documents that must be prepared in advance of land acquisition or development at the specified units.

Title I of the bill would modify the boundaries of the New River Gorge National River and direct the National Park Service (NPS) to improve access to the river near Cunard. According to the NPS, necessarily land acquisition expenditure of about $1.7 million would be funded under the existing authorization ceiling of $20 million. (Appropriations to date under this ceiling have been about $17.7 million. H.R. 900 would require the NPS to acquire lands not originally authorized for purchase but would also terminate the agency's authority to acquire certain acres within the original boundary.) Construction costs cannot be estimated until the completion of an NPS study of access requirements for the area. The study is estimated to cost the NPS about $150,000 during fiscal years 1989 and 1990.

This title would also require the Army Corps of Engineers to undertake flow studies at the Bluestone Lake project. CBO estimates that the required studies, including necessary testing and environmental assessments, would cost about $50,000 in fiscal year 1989.

The bill would also establish the Gauley River National Recreation Area and authorize the NPS to acquire land and improve existing roads in the area. The NPS would be directed to improve access, parking and other facilities. For this purpose, the bill would authorize the appropriation of such sums as may be necessary. At present, no expenditures are expected to be undertaken at the Recreation Area until a management plan for the area has been developed. This plan is expected to cost about $300,000 over the next two fiscal years. Depending on the contents of the management plan, additional costs may be incurred in subsequent years.

Finally, the bill would designate two segments of West Virginia rivers as wild and scenic rivers. Expenses related to the designation and development of management plans are estimated to be about $100,000.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis, who can be reached at 226-2860.

Sincerely,

JAMES L. BLUM,
Acting Director.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of Rule XXVI of the Standing Rules of the Senate, the Committe makes the following evaluation of the regulatory impact which would be incurred in carrying out H.R. 900. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of H.R. 900, as reported.

EXECUTIVE COMMUNICATIONS

On October 1, 1987, the Committee on Energy and Natural Resources requested legislative reports from the Departments of Agriculture and Interior, and the Office of Management and Budget setting forth executive views on H.R. 900. These reports had not been received at the time the report on H.R. 900 was filed. When the reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate. The testimony provided by the appropriate agencies at the Subcommittee hearing follows:

STATEMENT OF ROBERT STANTON, ASSOCIATE DIRECTOR, OPERATIONS, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMITTEE ON PUBLIC LANDS, NATIONAL PARKS, AND FORESTS, SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES, CONCERNING S. 1720 AND H.R. 900, BILLS TO PROTECT AND ENHANCE SEGMENTS OF THE NEW, GAULEY, MEADOW, AND BLUESTONE RIVERS IN WEST VIRGINIA.

APRIL 19, 1988

Mr. Chairman, I appreciate the opportunity to provide your Subcommittee with the views of this Department on S. 1720 and H.R. 900.

We oppose enactment of either bill unless it is amended as recommended in this statement.

In summary, S. 1720 would:

-- revise the boundary of the New River Gorge National River, West Virginia, by adding 6,883 acres and excluding 6,244 acres, a net addition of 639 acres;

-- add several administrative and management requirements to the New River Gorge authorizing legislation;

-- establish a new national recreation area, the Gauley River National Recreation Area, comprising 9,415 acres along 25.7 miles of the Gauley River;

-- designate 4.5 miles of the Meadow River as a wild river component of the National Wild and Scenic Rivers System;

-- designate 10 miles of the Bluestone River as a scenic river component of the National Wild and Scenic Rivers System; and

-- require certain management practices by Federal agencies regarding river resources.

H.R. 900 is a similar bill, which passed the House of Representatives on May 27, 1987. In addition to the provisions noted above, H.R. 900 would mandate a 3-year, black-fly control program by the State, and the bill would also designate a segment of the Greenbrier River as a component of the Wild and Scenic Rivers System.

New River Gorge National River. Title XI of the National Parks and Recreation Act of 1978 authorized this national river. The boundary encompasses 62,024 acres, of which 50,155.74 acres are privately owned, 6,301.82 acres are owned by the State of West Virginia or other public bodies, and 5,449.43 acres are owned in fee by the Federal Government. We also have less-than-fee interests in 117.01 acres.

The General Management Plan for the river was completed in 1982, and the Land Protection Plan was prepared in 1984. The process that resulted in those plans included analysis of possible boundary changes, as required by section 1109 of the 1978 Act. The General Management Plan identified 14 boundary adjustments, which would have resulted in a net reduction of 5,500 acres. Since that time, the boundary adjustments have been refined to include additional properties which we believe are essential for proper protection and management of the area. The adjustments we recommend now are reflected in the new boundary that would be established in S. 1720. The estimated cost of acquiring the added lands is $1,700,000; however, the lands excluded are all privately owned and, if acquired, would cost the Government $1,550,000.

The added lands can be acquired within the existing $20 million ceiling. There has been $17,744,145 appropriated since 1978. We recommend that sections 103 and 104 be deleted from the bill. They mandate acquisition, development, and certain practices associated with commercial whitewater rafting. The House-passed bill further requires a study and report to Congress on the timing of release of water from Bluestone Reservoir during low flows. The study would be required to be made by the Corp of Engineers.

Whitewater rafting and fishing, and providing facilities to support these uses, are all addressed in our management plans and rules for all river users. The effect of these sections is to eliminate any need for management planning, which is based on an analysis of the resources and includes participation by a broad spectrum of concerned members of the public and interested organizations. If there are Congressional concerns with our management plans we welcome oversight, but we believe legislation is not necessary.

Gauley, Meadow, and Bluestone Rivers. Section 1108 of the National Parks and Recreation Act of 1978 amended the Wild and Scenic Rivers Act to provide for studies of the Gauley, its tributary the Meadow, and the Bluestone Rivers. The study reports were transmitted to the Congress in April 1985. The studies found that 50.4 miles of the Gauley, 27.8 miles of the Meadow, and 25.5 miles of the Bluestone were eligible for designation. That is, they possessed outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values as required in section 1 of the Wild and Scenic Rivers Act. However, these river segments were not recommended for designation by the Administration in 1985 because of a lack of public support for Federal administration.

While the pending legislation indicates that there is public support for Federal involvement in the protection of these rivers, we do not recommend their designation as federally managed components of the National System. Most of the land within these river corridors, including most of the land within the proposed Gauley River National Recreation Area, is private or State-owned. Under the Wild and Scenic Rivers Act, fee acquisition of an average of 100 acres per mile on both sides of the river is authorized. Designation of these rivers as components of the National System would constitute a series of new Federal land acquisition projects at a time when the Administration is attempting to reduce Federal spending. We recommend that the State undertake protection of these river segments.

We defer to the views of the Department of Agriculture with respect to the Greenbrier River as designated in the House-passed bill.

General Management Provisions We recommend that title V, setting forth certain management requirements, be deleted from the bill.

Among other things, section 501 directs the Secretary to assist State and county authorities to coordinate development and promotion of recreational resources managed by the State. We believe the State should promote areas of State significance. If technical assistance in management is appropriate, such is already authorized under the Act of May 28, 1963, under which the National Park Service conducts its basic recreation assistance programs.

Section 502 requires the Secretary to permit the State to regulate commercial recreational watercraft services. This is inconsistent with the National Park Service Concessions Policies

Act of October 9, 1965, under which the Secretary of the Interior is permitted to authorize commercial services in the parks.

Section 502 of the House-passed bill also requires the Secretary to permit the State to conduct activities to control black flies within areas managed by the National Park Service. We prefer the approach dictated by the management policies of the National Park Service. This policy sets a standard for application of herbicides and pesticides that we follow nationwide.

Section 503 would require the Secretary to conduct a public awareness program to further public understanding of possible designation of portions of rivers not designated in this bill. It requires a report to the authorizing Congressional Committees in 3 years. We believe this section is unnecessary, and it may not be appropriate for the National Park Service to conduct a public awareness program for rivers which the President did not recommend for designation. We have authority to provide information, and we will respond to requests for information from interested members of the public.

This concludes my prepared remarks. I would be pleased to respond to any questions you may have.

STATEMENT OF
GEORGE M. LEONARD, ASSOCIATE CHIEF
FOREST SERVICE
UNITED STATES DEPARTMENT OF AGRICULTURE

Before the
Subcommittee on Public Lands, National Parks and Forests
Committee on Energy and Natural Resources
United States Senate

Concerning S. 1850, S. 1914, S. 1720, and H.R. 900

April 19, 1988

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE:

Thank you for the opportunity to offer the Department of Agriculture's views on S. 1850, S. 1914, S. 1720 and H.R. 900.

S. 850 would designate a section of the Columbia River in Washington for a wild and scenic river study. S. 1914 would designate the Wildcat River as a component of the Wild and Scenic Rivers System. S. 1720 relates to segments of the New, Gauley, Meadow and Bluestone Rivers in West Virginia. H.R. 900 is identical to S. 1720 plus it includes a provision that would designate the Greenbrier River.

Over half of the Wild and Scenic Rivers in America are on National Forests. The Forest Service administers 29 designated rivers totaling over 2,200 miles. These rivers possess outstanding scenic, recreation, geologic, fish and wildlife, historic, cultural or other significant values. We strongly support the National Wild and Scenic Rivers System.

S. 1850--COLUMBIA RIVER STUDY:

In regard to S. 1850, we defer to the Departments of the Interior and Army since its enactment would not affect this Department.

S. 1914--WILDCAT RIVER:

The headwaters of the mainstem and two tributaries of the Wildcat are on the White Mountain National Forest. About half of the mainstem and the Great Brook tributary are outside the National Forest. Approximately 9 miles of mainstem and tributaries are within the National Forest, and approximately 5.5 miles are outside, flowing through private land and the Town of Jackson.

The Wildcat River is a typical headwater stream--glacially formed, shallow, clear, and turbulent. It has deep, narrow V-shaped valleys, often with waterfalls. Jackson Falls drops 165 feet in a series of broad cascades over granitic ledges.

The river area provides habitat for a rich variety of wildlife. Historically, the river was known as an excellent trout stream with a native trout population. Today it is periodically stocked by the State with brook trout.

The segments outside the National Forest flow through numerous properties, including public, commercial, recreational, residential, and agricultural lands. Various protection strategies--including conservation easements and zoning--have been successfully employed to protect the river as it flows through private land.

We support designation of only the segments of the Wildcat River and its tributaries within the White Mountain National Forest. Designation would have no adverse affects on management of the Forest.

For the segments outside the National Forest, we recommend designation and administration under State or local authorities or inclusion in the National Wild and Scenic River System in accordance with section 2(a)(ii) of the Wild and Scenic Rivers Act. The Secretary of Agriculture should not have the management responsibility for the segments outside the National Forest. Local management is more appropriate. Our recommendation would eliminate the need for a complex management arrangement involving a long-term cooperative agreement between the Secretary of Agriculture, the Town of Jackson Selectmen, and the State of New Hampshire. The need for an Advisory Commission would also be eliminated. We are prepared to work with the appropriate State agencies to assure that management of the entire river is well coordinated.

H.R. 900 AND S. 1720--WEST VIRGINIA RIVERS:

Titles I through V of H.R. 900 and S. 1720 would not directly affect the lands or programs administered by the Department of Agriculture, and we defer to the Departments of the Interior and Army for a recommendation regarding these titles. We recommend that Title VI of H.R. 900, regarding designation of 133 miles of the Greenbrier River, not be enacted.

We would, however, support the eventual inclusion of the Greenbrier in the National System through local and State initiative in accordance with section

2(a)(ii) of the Wild and Scenic Rivers Act. If designated in this manner, the State would have the responsibility for administration of the river.

The State presently manages numerous recreation facilities within or close to the Greenbrier corridor. These include State forests, parks, a scenic railroad, a 75-mile hike and bike trail, and a Civil War battlefield. The Forest Service would cooperate with the State regarding management of National Forest System lands within the designated corridor.

Extensive public involvement by the Forest Service during a study of the river did not result in a consensus regarding Federal designation. Although there is support locally for designation of the Greenbrier River, there is also significant local concern regarding the need for flood control facilities. The Army Corps of Engineers is currently studying flood control alternatives. In addition, there is concern that management of the river by the Federal Government would include excessively restrictive land use controls on private land and acquisition by condemnation. Time should be allowed for the State and concerned individuals and organizations to determine if and how the river should be designated.

This concludes my statement. I would be happy to answer any questions you may have.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of Rule XXVI of the Standing Rules of the Senate, changes in existing law made by the Act, H.R. 900, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

AN ACT To authorized additional appropriations for the acquisition of lands and interests in lands within the Sawtooth National Recreation Area in Idaho.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE AND TABLE OF CONTENTS

SECTION 1. This Act may be cited as the "National Parks and Recreation Act of 1978".

* * * * * * *

TITLE XI—NEW RIVER GORGE NATIONAL RIVER

SEC. 1101. For the purpose of conserving and interpreting outstanding natural, scenic, and historic values and objects in and around the New River Gorge and preserving as a free-flowing stream an important segment of the New River in West Virginia for the benefit and enjoyment of present and future generations, the Secretary of the Interior (hereinafter referred to as the "Secretary") shall establish and administer the New River Gorge National River. The Secretary shall administer, protect, and develop the national river in accordance with the provisions of the Act of August 25, 1916 (39 stat. 535; 16 U.S.C. 1 et seq.), as amended and supplemented; except that any other statutory authority available to the Secretary for the preservation and management of natural resources may be utilized to the extent he finds such authority will further the purposes of this title. The boundaries of the national river shall be as generally depicted on the drawing entitled "Proposed New River Gorge National River" numbered [NERI-20,002, date July 1978,] *NERI-80,023, dated January 1987,* which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

* * * * * * *

SEC. 1113. COOPERATIVE AGREEMENTS WITH STATE.

In administering the national river, the Secretary is authorized to enter into cooperative agreements with the State of West Virginia, or any political subdivision thereof, for the rendering, on a reimbursable or non-reimbursable basis, of rescue, fire fighting, and law enforcement services and cooperative assistance by nearby law enforcement and fire preventive agencies.

SEC. 1114. IMPROVEMENT OF ACCESS AT CUNARD.

(a) DEVELOPMENT AND IMPROVEMENT.—The Secretary shall expeditiously acquire such lands, and undertake such developments and improvement, as may be necessary to provide for commercial and noncommercial access to the river near Cunard. No restriction shall

be imposed on such access based on the time of day, except to the extent required to protect public health and safety.

(b) INTERIM MEASURES.—Pending completion of the developments and improvements referred to in subsection (a), the Secretary shall permit the motorized towing of whitewater rafts in the section of the national river between Thurmond and Cunard when the volume of flow in the river is less than three thousand cubic feet per second.

SEC. 1115. FLOW MANAGEMENT.

(a) FINDINGS.—The Congress finds that adjustments of flows from Bluestone Lake project during periods of low flow are necessary to respond to the congressional mandate contained in section 1110 of this Act and that such adjustments could enhance the quality of the recreational experience in the segments of the river below the lake during those periods as well as protect the biological resources of the river.

(b) REPORT TO CONGRESS REQUIRED.—The Secretary of the Army, in conjunction with the Secretary of the Interior, shall conduct a study and prepare a report under this section. The report shall be submitted to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives not later than December 31, 1989. Before submission of the report to these Committees, a draft of the report shall be made available for public comment. The final report shall include the comments submitted by the Secretary of the Interior and the public, together with the response of the Secretary of the Army to those comments.

(c) CONTENTS OF STUDY.—The study under this section shall examine the feasibility of adjusting the timing of daily releases from Bluestone Lake project during periods when flows from the lake are less than three thousand cubic feet per second. The purpose of such adjustment shall be to improve recreation (including, but not limited to, fishing and whitewater recreation) in the New River Gorge National River. Any such adjustments in the timing of flows which are proposed in such report shall be consistent with other project purposes and shall not have significant adverse effects on fishing or on any other form of recreation in Bluestone Lake or in any segment of the river below Bluestone Lake. The study shall assess the effects of such flow adjustments on the quality of recreation on the river in the segments of the river between Hinton and Thurmond and between Thurmond and the downstream boundary of the New River Gorge National River, taking into account the levels of recreational visitation in each of such segments.

(d) TEST PROCEDURES.—As part of the study under this section, the Secretary of the Army shall conduct test releases from Bluestone Lake project during twenty-four-hour periods during the summer of 1989 when flows are less than three thousand cubic feet per second from the project. All such adjustments shall conform to the criteria specified in subsection (c). The tests shall provide adjustments in the timing of daily flows from Bluestone Lake project which permit flows higher than the twenty-four-hour average to reach downstream recreational segments of the river during morning and afternoon hours. The tests shall develop specific data on the effects of flow adjustments on the speed of the current and on water surface

levels in those segments. No test shall be conducted when flows from the lake are less than one thousand seven hundred cubic feet per second and no test shall reduce flows below that level.

WILD AND SCENIC RIVERS ACT

AN ACT To provide a National Wild and Scenic Rivers System, and for other purposes.

* * * * * * *

SEC. 3. (a) The following rivers and the land adjacent thereto are hereby designated as components of the national wild and scenic rivers system:

* * * * * * *

( ) MEADOW, WEST VIRGINIA.—The segment from approximately one mile above the Route 19 Bridge to its confluence with the Gauley River approximately 4.5 miles downstream from the bridge, as depicted on the boundary map entitled "Meadow Wild and Scenic River", numbered WSR-MEA/20,000A and dated July 1988; to be administered by the Secretary of the Interior. The Secretary shall not be required to establish detailed boundaries of the river as provided under subsection (b) of this section. The acreage limitations specified in subsection (a) of section 6 shall not apply. Nothing in this Act shall affect the management by the State of hunting, trapping, and fishing within the segment designated under this paragraph.

( ) BLUESTONE, WEST VIRGINIA.—The segment in Mercer and Summers Counties, West Virginia from a point approximately two miles upstream of the Summers and Mercer County line down to the maximum summer pool elevation (one thousand four hundred and ten feet above mean sea level) of Bluestone Lake as depicted on the boundary map entitled 'Bluestone Wild and Scenic River', numbered WSR-BLU/20,000, and dated January 1987; to be administered by the Secretary of the Interior as a scenic river. In carrying out the requirements of subsection (b) of this section, the Secretary shall consult with state and local governments and the interested public. The Secretary shall not be required to establish detailed boundaries of the river as provided under subsection (b) of this section. Nothing in this Act shall preclude the improvement of any existing road or right-of-way within the boundaries of the segment designated under this paragraph. Jurisdiction over all lands and improvements on such lands owned by the United States within the boundaries of the segment designated under this paragraph are is hereby transferred without reimbursement to the administrative jurisdiction of the Secretary of the Interior, subject to leases in effect on the date of enactment of this paragraph (or renewed thereafter) between the United States and the State of West Virginia with respect to the Bluestone State Park and the Bluestone Public Hunting and Fishing Area. Nothing in this Act shall affect the management by the State of hunting, trapping and fishing within the segment designated under this paragraph. Nothing in this Act shall affect or impair the management by the State of West Virginia of other wildlife activities in the Bluestone Public Hunting and Fishing Area to

the extent permitted in the lease agreement as in effect on the enactment of this paragraph. If requested to do so by the State of West Virginia, the Secretary may terminate such leases and assume administrative authority over the areas concerned. Nothing in the designation of the segment referred to in this paragraph shall affect or impair the management of the Bluestone project or the authority of any department, agency, or instrumentality of the United States to carry out the project purposes of that project as of the date of enactment of this paragraph. Nothing in this Act shall be construed to affect the continuation of studies relating to such project which were commenced before the enactment of this paragraph.

* * * * * * *

[(b) The agency charged with the administration of each component of the national wild and scenic rivers system designated by subsection (a) of this section shall, within one year from the date of designation of such component under subsection (a) (except where a different date is provided in subsection (a)), establish detailed boundaries therefor; determine which of the classes outlined in section 2, subsection (b), of this Act best fit the river or its various segments; notice of the availability of the boundaries and classification, and of subsequent boundary amendments shall be published in the Federal Register and shall not become effective until ninety days after they have been forwarded to the President of the Senate and the Speaker of the House of Representatives.]

(b) The agency charged with the administration of each component of the national wild and scenic rivers system designated by subsection (a) of this section shall, within one year from the date of designation of such component under subsection (a) (except where a different date if provided in subsection (a)), establish detailed boundaries therefor (which boundaries shall include an average of not more than 320 acres of land per mile measured from the ordinary high water mark on both sides of the river); and determine which of the classes outlined in section 2, subsection (b), of this Act best fit the river or its various segments. Notice of the availability of the boundaries and clasification, and of subsequent boundary amendments shall be published in the Federal Register and shall not become effective until ninety days after they have been forwarded to the President of the Senate and the Speaker of the House of Representatives.

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